

CUTLER
35999-080502



ROANOKE CITY COUNCIL
REGULAR SESSION

AUGUST 5, 2002
12:15 P.M.

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

- 1. Call to Order--Roll Call.** (Council Members Harris and Dowe were absent.)

A communication from Mayor Ralph K. Smith requesting a Closed Meeting to discuss vacancies on various authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

File #110-132

(Approved 5-0)

AT 12:18 P.M., THE MEETING WAS DECLARED IN RECESS TO BE IMMEDIATELY RECONVENED IN ROOM 159, IN CONNECTION WITH A BRIEFING ON CURB, GUTTER AND SIDEWALK; AND YEAR END CAPITAL MAINTENANCE AND EQUIPMENT REPLACEMENT PROJECTS. (ALL COUNCIL MEMBERS WERE PRESENT FOR THE BRIEFINGS.)

File #57-60-270

AT 1:55 P.M., THE MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 2:00 P.M. IN THE COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***AUGUST 5, 2002
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA FOR THE COUNCIL

1. Call to Order--Roll Call.

The Invocation was delivered by The Reverend Diane Scribner Clevenger, Pastor, Unity Church of Roanoke Valley.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, August 8, 2002, at 7:00 p.m., and Saturday, August 10, 2002, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGMENTS:

A resolution memorializing the late Sylvian Elaina Loritts.

Adopted Resolution No. 35999-080502. (7-0.)

File #367

The Mayor recognized 2002 participants in the City of Roanoke Internship Program.

File #80

The Members of Council expressed sympathy upon the passing of former Mayor James Taliaferro, City of Salem.

File #367

3. CONSENT AGENDA

(APPROVED 7-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

C-1 Minutes of the regular meeting of City Council held on Monday, June 17, 2002.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from the City Manager requesting that Council schedule a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to the vacation and dedication of a sanitary sewer easement located at 3138 Gum Spring Street, S. E.

RECOMMENDED ACTION: Concur in the request.

File #27-28

- C-3 A communication from the City Manager requesting that Council schedule a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposed lease of City-owned property located in the 4100 block of Wyoming Avenue, identified as Official Tax No. 2770406, to Cellco Partnership, a Delaware general partnership, d/b/a/ Verizon Wireless.

RECOMMENDED ACTION: Concur in the request.

File #166-291-373

- C-4 A communication from the City Manager requesting that Council schedule a public hearing for Monday, August 19, 2002, at 7:00 p.m., or as soon thereafter as the matter may be heard, in connection with a Deed of Release and Dedication of a Quitclaim Deed for a new waterline easement to be located at the Falling Creek Filtration Plant.

RECOMMENDED ACTION: Concur in the request.

File #28-468

- C-5 A communication from William E. Skeen tendering his resignation as a Trustee of the Roanoke City School Board, effective July 24, 2002.

RECOMMENDED ACTION: Receive and file the communication and accept the resignation.

File #110-467

C-6

Qualification of the following persons:

Susan W. Jennings as a member of the Roanoke Arts Commission for a term ending June 30, 2005;

David K. Lisk as a member of the Roanoke Valley-Alleghany Regional Commission for a term ending June 30, 2003;

Stanley G. Breakell and Pamela S. White as members of the Roanoke Public Library Board for terms ending June 30, 2005;

Fredrick M. Williams as a member of the City Planning Commission, to fill the unexpired term of Alfred T. Dowe, Jr., resigned, ending December 31, 2004;

John C. Moody, Jr., as a member of the Board of Fire Appeals for a term ending June 30, 2006;

Lylburn D. Moore, Jr., as a member of the Personnel and Employment Practices Commission for a term ending June 30, 2005;

Sherman A. Holland as a member of the Roanoke Valley Area Metropolitan Planning Organization for a term ending June 30, 2005; and

Glenn D. Radcliffe as a member of the Human Services Committee for a term ending June 30, 2003.

RECOMMENDED ACTION: Receive and file.

File #15-70-72-110-200-230-318-323-326-407

REGULAR AGENDA

4. PUBLIC HEARINGS:

- a. Public hearing to receive views of citizens regarding appointment of a School Board Trustee to fill the unexpired term of Sherman P. Lea, resigned, ending June 30, 2003. Candidates for the position are:

Edna Crabbere
David Dabay
F. B. Webster Day
John W. Elliott, Jr.
William H. Lindsey

**All remarks were received and filed.
File #110-467**

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

1. A communication recommending the use of competitive negotiation as the method to secure a management company for the Market Building.

**Adopted Resolution No. 36000-080502. (7-0.)
File #32-42**

2. A communication recommending the use of competitive negotiation as the method to secure vendors to provide job readiness training for clients of the Employment Services Program within the Department of Social Services.

Adopted Resolution No. 36001-080502. (7-0.)
File #72

3. A communication recommending acceptance of a certain Local Law Enforcement Block Grant from the United States Department of Justice, in the amount of \$129,407.00, with the City to provide an additional \$14,379.00 in local match; and appropriation of funds in connection therewith.

Adopted Budget Ordinance No. 36002-080502 and Resolution No. 36003-080502. (7-0.)
File #5-60-236

4. A communication recommending acceptance of a Local Government Challenge Grant from the Virginia Commission for the Arts, in the amount of \$5,000.00; and appropriation of funds in connection therewith.

Adopted Budget Ordinance No. 36004-080502 and Resolution No. 36005-080502. (7-0.)
File #60-236

5. A communication recommending acceptance of a grant award under the Temporary Assistance for Needy Families (TANF) Hard-to-Serve Project from the Virginia Department of Social Services, in the amount of \$207,933.00; and appropriation of funds in connection therewith.

Adopted Budget Ordinance No. 36006-080502 and Resolution No. 36007-080502. (7-0.)
File #60-72-236

6. A communication recommending acceptance of a grant from the U. S. Environmental Protection Agency in connection with vulnerability assessments of the City's potable water systems, in the amount of \$115,000.00; and appropriation of funds in connection therewith.

Adopted Budget Ordinance No. 36008-080502 and Resolution No. 36009-080502. (7-0.)
File #60-236-468-529

7. A communication recommending execution of a 2002-03 Community Development Block Grant (CDBG) Program Agreement with the Blue Ridge Small Business Development Center, in the amount of \$105,000.00.

Adopted Resolution No. 36010-080502. (7-0.)
File #200-236

8. A communication recommending execution of a 2002-03 Community Development Block Grant (CDBG) Program Agreement with the Roanoke Regional Chamber of Commerce, in the amount of \$105,000.00.

Adopted Resolution No. 36011-080502. (7-0.)
File #99-200-236

9. A communication recommending acceptance of a bid submitted by H. & S. Construction Co., for construction of a greenway connecting Elmwood Park and Piedmont Park, by way of Williamson Road, Walnut Avenue Bridge, and Riverview Boulevard, S. E., in the amount of \$655,761.20, and rejecting all other bids received by the City; and donations from the Horace G. Fralin Charitable Trust, Branch Highways, Inc., J. M. Turner and Co., Inc., and Lanford Brothers Co., in connection with the Mill Mountain Greenway project.

Adopted Budget Ordinance No. 36012-080502, Ordinance No. 36013-080502, and Resolution No. 36014-080502. (7-0.)
File #60-67-379

10. A communication recommending appropriation of \$400,000.00 in capital fund interest earnings in connection with the YMCA Aquatic Center and the Roanoke River Greenway Projects.

**Adopted Budget Ordinance No. 36015-080502. (6-0, Council Member Bestpitch abstained from voting inasmuch as his spouse is employed by the YMCA of the Roanoke Valley.)
File #60-100-256-379**

11. A communication recommending appropriation of \$80,346.00 to provide funds to the Fifth District Disability Services Board.

**Adopted Budget Ordinance No. 36016-080502. (7-0.)
File #60-326**

12. A communication with regard to the Fifth Planning District Regional Alliance's Regional Economic Strategy.

**Adopted Resolution No. 36017-080502. (7-0.)
File #99-326-450**

b. **DIRECTOR OF FINANCE:**

1. Financial report for the month of June 2002.

**Received and filed.
File #1-10**

7. REPORTS OF COMMITTEES:

- a. A report from the Architectural Review Board requesting that Council review proposed changes to the streetscape for Kirk Avenue between Market Street and Williamson Road, S. W. Robert N. Richert, Chair, Spokesperson.

**The matter was referred to the City Manager for study, report and recommendation to Council.
File #110-249-514**

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

- a. Ordinance No. 35977, on second reading, authorizing the proper City officials to enter into a Deed of Lease Extension between the City of Roanoke and Roanoke Valley Swimming, Inc., for the lease and operation of certain City-owned property known as the Gator Aquatic Center, upon certain terms and conditions.

**Adopted Ordinance No. 35977-080502. (7-0.)
File #256-373**

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

**Council Member Carder commended City staff for their efforts in connection with establishing outdoor dining.
File #80-555**

**Council Member Carder requested that Council discuss the feasibility of reopening Jefferson Street to vehicular/pedestrian traffic at its August 13, 2002 Planning Retreat. He pointed out that Norfolk/Southern closed the Jefferson pedestrian crossover at about the time that the walkway was opened to the Hotel Roanoke and Conference Center.
File #200-223-247-514**

Council Member Carder referred to the City's Comprehensive Plan as it relates to traffic issues/traffic calming, versus traffic moving expeditiously from one point to another throughout the City. He stated that the Comprehensive Plan should be the vision by which Council bases its decisions as a City Council and the ruler by which all decisions are made by City staff and management. As a part of

Council's Planning Retreat on August 13, 2002, he requested that Council discuss the matter of neighborhood streets and workhorse streets. He referred to the Bullitt/Jamison neighborhood where residents have requested two-way streets, and advised that streets running through neighborhoods should be pedestrian friendly.
File #165-200-514

Council Member Cutler congratulated the Grandin Theater Foundation on raising over \$1 million toward the reopening of the Grandin Theater in the fall of 2002.
File #80-551

Council Member Cutler commended the number of persons who were involved in bringing the temporary Crystal Spring water supply on line as expeditiously as possible, and requested that appreciation be expressed to those individuals at a future City Council meeting.
File #80-468

- b. Vacancies on various authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

- a. Request of Sensei Joseph Catlett, Jr., to address Council with regard to a combat arts program for City youth. **(Not present.)**

Mr. Fred Flowers, 3207 White Oak Road, S. W., addressed Council in connection with the request of Structures Design/Build, L.L.C., for closure of a portion of the Franklin Road right-of-way to facilitate development of a 3.5 acre strip of land lying between Franklin Road and residential property on Franklin Road, which

matter was the subject of a public hearing by Council on Monday, July 15, 2002, and referred to the City Manager to address issues of pricing and language regarding the degree of the cut of the land. He presented a proposal of residents of White Oak Road to purchase the 3.5 acres of land and immediately donate the land to the City of Roanoke for use as a permanent green space. He advised that should Council grant or sell the excess Franklin Road right-of-way to Structures Design/Build, such action will enhance the economic feasibility of a commercial development project and will most likely kill any chance of residents to preserve the land in its present state. He asked that Council deny the request of Structures Design/Build, L.L.C.

Also appearing in support of the request were Mr. James Mullitt, 3224 White Oak Road, S. W., and Mr. William Jappich, 3215 White Oak Road, S. W.

File #51-68-379

Mr. Robert Gravely, 617 Hanover Avenue, N. W., addressed Council in connection with insufficient wages for the City's work force, deteriorating housing in the City of Roanoke, and favoritism by Council and the City administration of business over the average citizen. He alleged taxation without representation, misuse of power, and obstruction of justice.

File #66-79-132-184

12. CITY MANAGER COMMENTS:

The City Manager referred to a grant application approved earlier in the meeting with regard to additional security measures for the City's water systems, which is one of two grants that the City has received as a result of the contract with The Randall Corporation to prepare grant writing applications enabling the City of Roanoke to receive at least \$1 million in grants. She reported that with the two grants that were recently approved, The Randall Corporation has more than paid for its two year contract rate and will continue to apply for various grants on behalf of the City.

File #236-468

The City Manager expressed appreciation that several members of Council have recently given credence to the importance of the City's Comprehensive Plan and the need for the Comprehensive Plan to serve as the City's future vision. During the Planning Retreat on August 13, she requested that Council use the Comprehensive Plan as a guiding tool for prioritizing activities of City staff over the next several years. She further advised that the Regional Economic Development Strategy, which was approved earlier in the meeting and involved regional cooperation by the public and private sectors, should also serve as a guiding tool for the future. She stated that the proof of both plans is in their implementation, and encouraged Council to hold up the two documents to City staff to ensure that the City is on a course of action that will take the Roanoke community and the Roanoke Valley to greatness.

File #99-200-450

At 3:45 p.m., the meeting was declared in recess for one Closed Session.

CERTIFICATION OF CLOSED SESSION. (7-0)

Council adopted a motion that those persons (Edna Crabbere, David Dabay, F. B. Webster Day, John W. Elliott, Jr., and William H. Lindsey), who applied for the School Board vacancy created by the resignation of Sherman P. Lea also be considered for purposes of the public hearing for the vacancy created by the resignation of William E. Skeen, pursuant to those persons granting permission via contact by the City Clerk's Office. (Upon contact by the City Clerk's Office, Mr. Day declined consideration for the vacancy created by the resignation of William E. Skeen.)

File #467

The following persons were appointed to serve on various authorities, boards, commissions and committees:

Board of Zoning Appeals

**Diana B. Shepard for a term
ending December 31, 2005.**

File #51-110

**City of Roanoke Transportation
Safety Commission**

**Ann F. Harmon for a term
ending October 31, 2004.
(Council waived the City
residency requirement.)**

File #110-316

Youth Services Citizen Board

**Abbi Fitzpatrick and Lylburn
D. Moore, Jr., for terms
ending May 31, 2005; and
Cheryl D. Evans to fill the
unexpired term of Jenna
Decker, ending May 31, 2003.**

File #110-304

**Roanoke Redevelopment and
Housing Authority**

**Christie L. Meredith and
Beverly T. Fitzpatrick, Jr., for
terms ending August 31, 2006.**

File #178-110

**Virginia Western Community
College, Board of Directors
File #110-467**

**Barry W. Baird for a term
ending June 30, 2006.**

**AT 4:40 P.M., THE COUNCIL MEETING WAS DECLARED IN
RECESS TO BE RECONVENED ON TUESDAY, AUGUST 13, 2002, AT
9:00 A.M., IN THE EXECUTIVE BOARD ROOM AT BERNARD'S
LANDING RESORT AND CONFERENCE CENTER, 775 ASHMEADE
ROAD, MONETA, VIRGINIA, FOR CITY COUNCIL'S PLANNING
RETREAT.**